it is sought merely to prove a person's declaration against his interest, as shown by his evidence in another case.

Objection is also made to the enidence of Melvin and Jesse Dusing as to conversations with Jacob Dusing un er code Art. 35, Sec. 3. We think this objection is weell taken and that their evidence of conversations with their father must be excluded from our consideration. On the part of the defendants, Mrs, Mamie Ahalt, one of the defendants, testified that she heard her father say that he worked and paid for the 18-1/4 acres; that the place was sold by the Sheriff and that Ambrose bought the place back for her father and that her father worked for Ambrose and paid him for it in that way. She sai d that in 1908 she saw an agreement in writing between her father and George Ambrose to the effect that her father agreed to pay Ambrose a certain sum of money in payments at different times until the place was paid for. "It was signed by Ambrose and showd t that father had paid Ambrose the money." This paper was lost, it was stated. Mrs. Sophromia Stockett stated that she saw the paper and that it did not have her mother's name on it, and that her mother did not pay for the land; that she never saw a deed for the property but only this one paper. Mrs. Stockett also testified that she found at home, amongst some tax bills and other deeds, the deed from the Sheriff to Simom C. Simmons for the tract in Question. She also stated; We were always told it was made to pur mother". John Irw m testified that Jacob Dusing told him that he paid for the property twice and ought live another lifetime in order to enjoy it. There was also evidence on the part of the plaintiffs to the effect that after the sale of the property by the sheriff in 1861, Jacob Dusing could not hold title to real estate because, as we suggested of the existance of other unsatisfactory judgements against him.

While the question thus presented is not easy of solution, we are of opinion that under the evidence we must find title to the 18-4 acres in the mother, Malinda Dusing. We base our conclusion upon the fallowing facts!-

- 1. Jacob Dusing stated a number of times after the sale of the property by the Sheriff in 1861, that the propety belonged to his wife and children, and he had only a life estate therein.
- 2. Mre, Stockett testified that it was always said in the family that the property was made to mother.
- 3. The property was essessed on the tax books in the name of Malinda Dusing after 1867.
- 4. After he was sold out by the Sheriff in 1861, Jacon Dusing, until 1877, took no record title to real estate because apparently of the subsisting claim against his of other oreditors. In 1877 a piece of land was conveyed to him, but that was fifteen or sixteen years after, when the unpaid claims were probably barred by lititations.

It is not wholly satisfactory to deduce title in this way but there being no writing in existance and no deed of record or control or to show conclusively in whom title was vested, we must resort to the best evidence obtainable, the declarations of persons in possession of land were held admissible for the purpose of showing title in the case of Gantt vs. Trott, 107 Md. 325. From this evidence, and for the reason stated, we find title in Mrs. Malinda Dusing, and after her death in her children, The husband and father, Jacob Dusing, had at most only a life estate therein, and hence the deed from him to his daughter, Sophronia, could wonvey only the interest that he owned, to wit:— a life estate, and no more. Jacob Dusing being now dead, the deed to Spphronia, dated March 1,1911, a copy of which is filed as exhibit "Deed Sophronia Stockett" with the answer, conveys no present interest whatever, and is of no avail in this proceeding.

While we find that the property was that of Malinda Dusing and upon her death decended to her heirs, subject only to the life estate of her husband, Jacob Dusing, we are of opinion that Schronia Stockett is entitled to the compensated for her services in